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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

HA, LEYNNA A

ART UNIT

PAPER NUMBER

2135

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/855,000

Applicant(s)

SCHUSTER ET AL.

Examiner

LEYNNA T. HA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-30 is/are pending in the application.
- 4a) Of the above claim(s) 1-20 is/are ~~withdrawn from consideration~~ *canceled*.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Applicant has added new claims 21-30 and is now pending.

Applicant has claims 1-20 have been cancelled.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 19, 2005 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

are

3. Claims 21, 24-27, and 29~~9~~ are rejected under 35 U.S.C. 102(b) as being anticipated by McNab, et al. (US 4,937,855).

As per claim 21:

Method of initiating a procedure within a building comprising the steps of:

- a. defining at least one initiating event for the procedure; **[col.3, lines 23-31]**
- b. defining at least one requirement for the procedure; **[col.9, lines 30-60]**
- c. defining at least one person to be authorized to perform the procedure; **[col.8, lines 65-66]**
- d. detecting the at least one initiating event; **[col.9, lines 30-60]**
- e. generating a virtual key for the at least one based on the at least one requirement detecting the at least one initiating event; **[col.8, lines 33-34]**
- f. transmitting virtual key to the at least one person; **[col.8, lines 43-47]**
- g. detecting use of the virtual key; **[col.8, lines 32-34]**
- h. checking the validity of the virtual key; and **[col.10, lines 28-44]**

i. initiating said procedure within the building if the validity check is positive. **[col.8, lines 36-40]**

As per claim 24: See col.3, lines 23-31; discusses defining different procedures for different initiating events.

As per claim 25: See col.9, lines 30-60; discusses defining different requirements for different procedures.

As per claim 26: See col.9, lines 30-60; discusses transmitting different virtual keys to said person for different initiating events.

As per claim 27: See col.8, lines 32-34; discusses storing said virtual key partially or completely.

As per claim 29:

method according to Claim 11, further comprising at least one of the steps of:

initiating a control procedure of an elevator in the building; **[col.9, lines 22-26]**

initiating a medical assistance procedure; **[col.3, lines 25-29]**

initiating a building cleaning procedure; and initiating a guest reception procedure. **[col.9, lines 30-40]**

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 22-23, 28, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over McNab, et al and in further view of Microsoft Computer Dictionary, 5th Edition.

As per claim 22:

McNab teaches authorized persons having access to the building according to a virtual key in the form of a code or a password. McNab did not fully disclose assigning an encrypted code to said virtual key. However, according to the Microsoft Computer Dictionary, encryption is the process of encoding data to prevent unauthorized access (page 192). Thus, it is obvious of ordinary skills in the art for the virtual key to be encrypted is an added security feature that further prevents any unauthorized persons from obtaining access any easier.

As per claim 23:

McNab teaches authorized persons having access to the building according to a virtual key in the form of a code or a password. McNab did not include adding a signature to said virtual key and identifying a recipient of said transmitted virtual key by

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means of said signature. According to the Microsoft Computer Dictionary, a signature is a sequence of data used for identification for authentication purposes (page 480) and that a signature is also considered as a biometric technique (pages 59-60). By adding a signature to anything (i.e. virtual key, file, document) in the computer security related industry is known to protect sending the original file or key from being modified during transmission to another destination, thus, the signature of a virtual key is obviously for making sure the key is safe to use and have not been tampered with. Therefore, it would have been obvious for a person of ordinary skills in the art to include a signature to the virtual key of McNabb, is an added authentication feature and helps identify authorized persons from unidentified or unauthorized persons from being able to gain access to the building.

As per claim 28:

McNab teaches authorized persons having access to the building according to a virtual key in the form of a code or a password. McNab did not include identifying said person with biometric characteristics. However, according to the Microsoft Computer Dictionary, biometric characteristics is a science of measuring and analyzing human biological characteristics wherein the computer technology this relates to authentication and security techniques (pages 59-60). it would have been obvious for a person of ordinary skills in the art to include biometric characteristics is a known authentication and security feature that is the actual (authorized) person's feature (i.e. fingerprint, retinal, signature) that is more complex to duplicate or hack for any unidentified persons to gain access to the building.

As per claim 30:

McNab teaches authorized persons having access to the building remotely according to a virtual key in the form of a code or a password but did not include transmitting said virtual key using wireless devices. According to the Microsoft Computer Dictionary, the wireless communication feature takes place without use of wires or cables. Thus, it would have been obvious for a person of ordinary skills in the art to include wireless devices would be the conveniences of accessibility.

Response to Arguments

6. Applicant's arguments filed September 19, 2005 have been fully considered but they are not persuasive.

The claimed invention broadly states "defining at least one initiating event", is merely to identify what kind of person is to gain access to the building or a particular part within the building. Defining at least one initiating event as disclosed by McNabb is identifying the types of persons (i.e. visitor, guard, or postman) for the procedure which is to have access to a certain location or certain floor via the elevator in the building (col.9, lines 22-27) and then defining the requirements for that particular person that is deemed authorized and generates a virtual key base upon the requirement. McNabb discusses setting to operate in three different security levels pertaining to certain codes for either an apartment or a building (col.9, lines 30-55) and

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then the virtual key (or code) is generated for the visitor to use in order to gain access to the building (col.8, lines 13-67). McNabb discloses setting parameters for apartment security codes, a security level code, a guard security, a postman code, or a building code is the requirement for the procedure (col.8, lines 65-67). For instance, it is inherent a postman only needs access where the mailboxes are of a building so a postman is given the code or key that was set for the him to access a certain building and only go into the main floor where the mailboxes are and not else where of the building whereas the guard inherently is necessary for him to travel floor to floor and to all the building he is guarding. So the postman's requirements does not have to go door to door on every floor like the security guard. This concludes that the code is given after identifying the person prior to accessing certain locations (initiating event for the procedure) because it is necessary to identify the person in order to set and give the proper code to a particular location.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEYNNA T. HA whose telephone number is (571) 272-3851. The examiner can normally be reached on Monday - Thursday (7:00 - 5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LHa



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